



FIDUCIARY BOARD

Arizona State Courts Building
1501 West Washington Street, Phoenix, Arizona 85007
Hearing Room 109

Thursday, November 16, 2017
10:30 a.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Deborah Primock
Elaine Acosta Sweet
Gary L. Krcmarik

Telephonically Present:

Lenny Montanaro
Judge Jay M. Polk
Emily Kile
Teresa Lancaster
Diana M. Cory
Catherine Robbins

Absent:

OTHER ATTENDEES:

AOC Staff:

Mark Wilson
Michelle Martinez
Hal White
Wil Castro
Pasquale Fontana
Arnita Oliver

Guests:

Adelina Tanner
Jenni Goldman
Michael Bogle
Theresa Eells

CALL TO ORDER

Called to Order By: Deborah Primock, Chair

Time: 10:30 a.m.

1) REVIEW AND APPROVAL OF MINUTES:

1-A: Review, discussion and possible action regarding the regular session minutes of the meeting held on September 7, 2017.

Individual Addressing the Board: Deborah Primock

Discussion: None

Motion: Consideration of and motion to accept the regular session minutes of the meeting held on September 7, 2017

Motion Proposals: First Elaine Acosta Sweet
Second Gary Krcmarik

Motion Results: Pass

1-B: Review, discussion and possible action regarding the regular session minutes of the interim meeting held on September 20, 2017.

Individual Addressing the Board: Deborah Primock

Discussion: None

Motion: Consideration of and motion to accept the regular session minutes of the interim meeting held on September 20, 2017.

Motion Proposals: First Hon. Jay M. Polk
Second Elaine Sweet

Motion Results: Pass

1-C: Review, discussion and possible action regarding the executive session minutes of the interim meeting held on October 3, 2017.

Individual Addressing the Board: Michelle Martinez

Discussion: Defer until next meeting.

2) PENDING COMPLAINTS:

2-A: Review, discussion and possible action regarding complaint number 16-0006, involving licensee, Beverly Gloden.

Individual Addressing the Board: Michelle Martinez

Discussion: No answer or request for hearing was filed by Gloden. Staff recommends that the Board find Beverly Gloden in default and enter a Final Order revoking the certification of Beverly Gloden.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Gary Krcmarik
Second Elaine Sweet
Opposed Catherine Robbins

Motion Results: Pass

2-B: Review, discussion and possible action regarding complaint number 16-0018, involving licensee, Patricia Flores.

Individual Addressing the Board: Michelle Martinez

Discussion: Defer until next meeting

2-C: Review, discussion and possible action regarding complaint numbers 17-0012, involving licensee Maureen Edwards.

Individual Addressing the Board: William MacIntyre

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Maureen Edwards has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 17-0012.

It is further recommended the Board dismiss complaint number 17-0012

Motion: Consideration of and motion to accept staff's recommendation

Motion Proposals: First Emily Kile
Second Hon. Jay M. Polk
Opposed Deborah Primock

Motion Results: Pass

3) INITIAL LICENSURE AND ELIGIBILITY:

3-A: *Review, discussion and possible action regarding the following applications for initial individual and business licensure:*

1. *Emily Kile*
2. *Anita Mackowiak*
3. *Loren Ungar*
4. *Southern Arizona Fiduciary Services, LLC (Designated Principal Mark Rubin)*
5. *Sterling Case Management and Fiduciaries of Arizona, LLC (Designated Principal Martell Olsen)*
6. *Tammy Rauschenbach*
7. *Adelina Tanner*
8. *Theresa Eells*

Individual Addressing the Board: Wil Castro

Discussion: The Division recommends approval of initial fiduciary licensure for the following applicant:

1. Emily Kile

Motion: Consideration of and motion to accept staff's recommendation

Motion Proposals: First Gary Krcmarik
Second Leonard Montanaro
Recused Emily Kile – Hon. Jay M. Polk

Motion Results: Pass

Individual Addressing the Board: Wil Castro

Discussion: The Division recommends approval of initial fiduciary licensure for the following applicants:

2. Anita Mackowiak

4. Southern Arizona Fiduciary Services, LLC-Designated Principal Mark Rubin)
5. Sterling Case Management and Fiduciaries of Arizona, LLC- (Designated Principal Martelle Olsen)

Motion: Consideration of motion to accept staff's recommendation.

Motion Proposals: First Elaine Acosta Sweet
Second Catherine Robbins

Motion Results: Pass

Individual Addressing the Board: Wil Castro

Discussion: The Division recommends approval of initial fiduciary licensure applicant Loren Unger, with an effective based upon the completion of the Professional Fiduciary Training.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Elaine Acosta Sweet
Second Gary Krcmarik

Motion Results: Pass

Individual Addressing the Board: Wil Castro

Discussion: Division recommends initial fiduciary licensure for Tammy Rauschenbach.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Gary Krcmarik
Second Hon. Jay M. Polk

Motion Results: Pass

Individual Addressing the Board: Wil Castro

Discussion: Division recommends initial fiduciary licensure for Adelina Tanner.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Elaine Acosta Sweet
Second Hon. Jay M. Polk
Recused Deborah Primock

Motion Results: Pass

Individual Addressing the Board: Mark Wilson

Discussion: Division recommends initial fiduciary licensure be granted for Theresa Eells subject to the applicant entering into a consent agreement which places defined restrictions upon the license for a period of two years.

Remarks from Theresa Eells and Michael Bogle.

Motion: Motion to direct staff to defer matter until such time as the draft consent agreement can be circulated to members of the Board for review.

Motion Proposals: First Gary Krcmarik
Second Elaine Acosta Sweet

Motion Results: Pass

4) RENEWAL OF LICENSURE APPLICATIONS:

4-A: *Review, discussion and possible action regarding the following applications for renewal of individual licensure:*

- 1. Norman Turley*
- 2. Patricia Hall*

Individual Addressing the Board: Wil Castro

Discussion: It is recommended renewal of licensure be granted to the following:

1. Norman Turley

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Emily Kile
Second Gary Krcmarik

Motion Results: Pass

Individual Addressing the Board: Wil Castro

Discussion: 2. Patricia Hall

It is recommended the Board require Patricia Hall appear at the next Board meeting for a Board interview to address with the Board the status of her application, failures to provide information and the current status of the

Apache County Public Fiduciary Office of which Ms. Hall is currently identified as the Public Fiduciary.

Motion: Consideration of and motion to accept staff's recommendation and include language in communication advising licensee that failure to comply or respond will result in revocation and ensure a copy of communication is distributed to all appropriate County authorities.

Motion Proposals: First Emily Kile
Second Hon. Jay M. Polk

Motion Results: Pass

5) ADMINISTRATIVE ISSUES:

5-A: Review and discussion regarding November 2017 Arizona Attorney magazine article.

Individual Addressing the Board: Mark Wilson

Discussion: Brief discussion regarding an article with somewhat critical remarks about sanctions that are imposed and recommended by staff. Staff to meet to discuss existing procedures and identify areas possibly in need of modification.

CALL TO THE PUBLIC

Individuals Addressing the Board: None

ADJOURNMENT

Motion: Move to adjourn.

Motion Proposals: First Gary Krcmarik
Second Emily Kile

Motion Results: Pass

Time: 11:37 a.m.

Initials: AO